IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 18455 of 2007(V)

OS.66/2006 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONER:

JOSEPH, S/O.VARGHESE, AGED 58 YEARS,
KALAPURACKAL HOUSE, KALLOORKKAD KARA,
KALLOORKKAD VILLAGE, MUVATTUPUZHA TALUK.

BY ADV. SRI.GEORGE KURUVILLA(ALAPPUZHA)
SRI.JOHN NUMPELI (JUNIOR)

RESPONDENTS:

KURIAKOSE, S/O CHACKO,
ALAMMOOTTIL HOUSE, ARUVAPPARA KARA, VENGOOR
VILLAGE, KUNNATHUNADU TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 18455 OF 2007 V

Dated this the 15th June, 2007.

JUDGMENT

This writ petition is filed against the order in I.A.3273/06 in O.S.121/06. The petition is filed for a joint trial of O.S.121/06 along with O.S.66/06. The learned Munsiff has disposed of the joint trial application on the ground that the petitioner ought to have filed a counter claim in O.S.66/06 and since he has resorted to a separate suit joint trial cannot be allowed. Such approach by the trial court is not correct. What the court has to see is whether there exists valid ground for a joint trial on account of the fact of the parties, the dispute and the documents etc. are the same and one is relevant and connected with the other for a proper appreciation and disposal of the case. The order under challenge is therefore set aside and the matter is remitted back to the learned Munsiff, Muvattupuzha for fresh consideration in the light of the observations made out. The learned Munsiff shall give notice to the other side as well, hear both parties and then dispose of the matter in accordance with law. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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